CONFERENCE ON DISARMAMENT

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ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND SEVENTY-EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 September 1997, at 10 a.m.

President: Mr. Goonetillek (Sri Lanka)

GE.97-64179 (E)

The PRESIDENT: I declare open the 778th plenary meeting of the Conference on Disarmament.

I should like to inform you that, once we have exhausted the list of speakers for this morning, I intend to suspend this plenary meeting and convene immediately thereafter an informal plenary meeting to consider the draft annual report to the United Nations General Assembly, as contained in document CD/WP.489/Rev.1, and to resume the plenary for the formal adoption of the draft report.

I have on my list of speakers for today the representatives of India and Cyprus. However, before giving the floor to Ambassador Ghose, I should like, on behalf of the Conference and on my own behalf, to take the opportunity offered by this last plenary meeting of the Conference during its current session to bid farewell to her since she will not be with us when we start our 1998 session. Ambassador Ghose represented her Government for two years only at this Conference, but two important years for which she will be remembered by all the members of the CD. The clarity, talent and courage with which she articulated the positions of her Government during the difficult negotiations on the Comprehensive Nuclear Test-Ban Treaty and the perseverance with which she set out the priorities of her Government in the field of disarmament were recognized by all as evidence of her great diplomatic skill. I am sure that we will all miss her presence, her personal qualities and her warmth, and that I speak on behalf of all of us when I wish her all the best for the future.

I now give the floor to the representative of India, Ambassador Ghose.

Ms. GHOSE (India): Thank you very much, Mr. President, and may I quote you and say thank you for the kind words addressed to me, but I am a little taken aback, and I would like to sincerely thank you for all the extremely nice things you have just said.

I take the floor today, at this last plenary meeting of this year's session, to bid farewell to the CD and to all my colleagues in the CD, those who are present here today and those who are not, the Ambassadors and the members of their delegations with whom I have had the privilege of working.

Permit me, and I know that this is expected, to take this not-to-be-missed opportunity to share with you and members of the CD, my colleagues, some personal views and reflections on the not unexciting times I have lived through in this forum. While I had, when I came to Geneva, been acquainted with the United Nations for several years, disarmament was not an area I had ever directly dealt with. So when I came, many weeks and months were spent in trying to unravel the intricacies, recognize the trick mirrors and generally to get a sense of not just the issues, but the ambience of disarmament negotiations. There were, and are today, others whose experience I could never hope to match, but from whom I was able to learn much: the relative importances of procedure, process and substance, for instance, how to divert the eyes of one's interlocutor from the stars to something which the interlocutor did not mean to address at all, what chutzpah meant, and so much

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more. I would like to express my deep gratitude to all of them, past and present, to all my respected adversaries, and all the friends I made in this forum.

I feel I should also apologize to those who may have been taken aback by the emphasis with which I apparently frequently presented my country's positions. One could put it down to force of conviction or force of habit. My apologies also to the non-smoking members of the CD, particularly those who have had to sit on either side of the Indian seat in the plenaries when there is no choice. I can only say it is the alphabet which is to blame.

To you, Mr. President, who have worked so patiently and with determination over the last few weeks, and all our past Presidents, to the Secretary-General of the Conference, Mr. Vladimir Petrovsky, the Deputy Secretary-General, Mr. Kader Bensmail, and all the secretariat here in Geneva, my thanks for all the help and, often, advice that I have received throughout this period.

I would also like to welcome to the CD all our new colleagues, and while expressing my regret that I will not have the privilege of working with them, would like to give them my view of what we did in the CD this year. Many apprehensions have been voiced of late about the future of this forum; there has been much doom and gloom about the CD's apparent imminent collapse. I do not agree with this assessment. The CD is not an organization with programmes and projects. It is a forum ready to be used when there is need for it and when we, the members, wish to do so. It was set up by us to negotiate multilateral treaties, which, while responding to the needs of international security, safeguarded vital national security interests as well. Agreements to negotiate such treaties is reached, I believe, when views coincide on the bases and the objectives of a treaty. A treaty or a negotiation on a treaty that is forced on States by "persuasion" (I use that word in quotation marks) of reluctant States - sometimes called recalcitrant States, as I have been called - to accept what they are not committed to for whatever reason - their security perceptions, their perception of priorities, whatever - such agreements are tenuous at best and certainly not sustainable in the long run, especially, to quote Ambassador de Icaza, who I am so sorry is not here today, if the objective is to disarm the unarmed.

Let me refer very briefly to two treaties recently negotiated here in the CD and with which I have had some acquaintance, one a little more than the other: the Chemical Weapons Convention (CWC) and the Comprehensive Test-Ban Treaty (CTBT). We spent more than a dozen years negotiating the CWC. We got a consensus of sorts. I am aware that there were many reservations on procedure and substance, but the Convention was opened for signature and States voluntarily signed and then ratified it. I had the privilege of being here when my country deposited its instrument of ratification for the CWC, enabling it to come into force this year. The CD had done the best that it could. With the CTBT, however, the situation, in my view, was vastly different and perhaps we may be seeing the after-effects of that today. There was no consensus in the CD on a text we had negotiated for only about three years. So, did we continue to try to achieve consensus to meet the needs, not only of my country but of several others? No, we did not. What we did was

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that one country adopted a non-consensual text as its national text so that it could get a CD number, and then this was presented by yet another delegation as a national paper with a CD number for adoption by the General Assembly. I believe, and this is just an aside, that for my country it was perhaps the first time we actually voted against a multilateral disarmament treaty, and not just stood aside and allowed a treaty to be adopted by those who wished to do so. Now, what could the impact of this particular development be on us here? We are seeing a part of it. What assurance have any of us here today that this cannot happen again and again? In a sense it appears to be happening again, not in this forum, but we shall have to see at the forthcoming General Assembly. Disarmament issues which involve security interests of all or many or even one country cannot be decided upon by a group of countries, however large, by the adoption of a resolution in the General Assembly. We know that only too well, as is frequently pointed out to us in a specific context. So what treaties can we then address ourselves to? And where can we negotiate these treaties that would safeguard our interests? We have heard talk of the need for flexibility. Flexibility on approaches and language are the substance or process of negotiation. Flexibility on national security interests is perhaps asking for too much.

Therefore, I believe that what we did in the CD this year was necessary and may continue to be necessary for a longer period. It was, in my view, inevitable. It is necessary that this loss of confidence be worked out of our systems. This year, 61 countries have tried to identify issues on which their views of their security concerns coincide. Our priorities, at the moment at least, clearly differ. For example, those with nuclear weapons and those protected by those weapons have one set of priorities - I respect that. Those who have neither weapons nor umbrellas have different priorities, different perceptions of national security. In my view, this is not deadlock or failure of the CD. We just do not agree on the bases or objectives of the negotiations on specific issues. There are others perhaps on which we may find agreement and, if we do, the CD is there ready for our use.

There are, however, two other general issues which have intrigued me during the entire time I have spent in the CD and I cannot but put this before my colleagues here today. The first concerns the "logic" often promoted in this forum. An annual report on the activities of the CD this year must reflect the preferences for the programme of work next year, in the full knowledge that the annual reports of one year have rarely affected the following year's work. The logic of that completely misses me. A stand-alone FMCT, it is said, is closely linked with the CTBT and has been mandated by the NPT review process. Having had the personal pleasure of pressing a red button on the CTBT last year and not being part of the NPT review process, I have never understood the logic which leads any country to think that we can somehow, perhaps with some clever drafting, be bound to negotiate a stand-alone FMCT. Finally, and still on the intriguing logic in the CD, we all accept that not all States are equal in power, whether through the possession or non-possession or protection or non-protection of nuclear weapons, ballistic missiles, whatever. There are some, indeed, who are more equal than others. I accept that. What is, however, difficult to comprehend is the logic of an approach that assumes that the security interests of the

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powerful are more important than the security interests of the less powerful, not only to the international community but to the less powerful themselves.

And having spoken of the international community, this brings me to the second intriguing issue: what exactly is this "international community"? Who is this man, and on which street is he standing, who has such expectations of us? The man in a street in New Delhi has very different expectations from the man in a street in another country, in another continent. And yet I have had the expectations of the man in the street put to me as a reason why I should agree to something which affects my interests. Public opinion in one country or a group of countries does not, in my view, constitute "international public opinion". On the other hand, when international independent experts associated closely with the disarmament processes and negotiations pronounce themselves again, for example, on the elimination of nuclear weapons, as most recently by the Pugwash Society, we in the CD do not even bother to respond. We even had the Foreign Minister of Australia presenting formally the Canberra Commission report earlier this year. We not only did not address it, we have ignored it in our report. I do not intend to suggest that it be included, but this is just a comment and a farewell speech and an observation.

It is clear that I am leaving the CD with more questions in my mind about international disarmament negotiations than when I came. Fortunately, this confusion is mine alone and is not likely to affect my country's participation, as I leave government service permanently at the end of November. I will remember my days and friends, particularly my friends in the CD, with fond, if bemused, nostalgia in my new life.

In conclusion, in one of your statements last week you had seen the possibility of some areas of agreement emerging by next year, no one country's or one group's agenda but from the CD's own agenda. In bidding farewell to you, I would like to sincerely wish that all of you in the CD, in 1998, indeed fare well.

Mr. ZACKHEOS (Cyprus): Mr. President, let me first congratulate you on assuming the presidency and on the skilful way you guided our deliberations at an extremely delicate moment of our work. Our congratulations also go to your predecessor, the distinguished Ambassador of Slovakia, and our thanks to the members of the secretariat.

I take the floor this morning upon instruction in order to brief you on my Government's position regarding the Programme for Preventing and Combating Illicit Trafficking in Nuclear Material.

The Government of the Republic of Cyprus welcomes this Programme, which was agreed by the P-8 Governments at the Nuclear Safety and Security Summit held in Moscow in April 1996.

In response to the call contained in the communiques of the Moscow and Lyon Summits, the Government of Cyprus has announced its intention to join the P-8 States and Ukraine in implementing the Programme and to cooperate with

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them, as well as with other present and future adherents, in all aspects of prevention, detection, exchange of information, investigation and prosecution in cases of illicit nuclear trafficking.

We are currently engaged in dialogue with the P-8 countries seeking technical assistance in fields like training of personnel, detection equipment for nuclear material, etc., which will allow us to meet our obligations under the Programme.

Cyprus believes that the proliferation of weapons of mass destruction poses a threat to international peace, security and stability, and my Government has manifested, on various occasions, its commitment to non-proliferation. The destructiveness of nuclear weapons is immense and their use would be catastrophic.

Cyprus has undertaken international commitments seeking to prevent the proliferation of weapons of mass destruction. It is a party to almost all instruments and organizations of the nuclear non-proliferation regime. In this respect, I would like to note my Government's following recent decisions: to join as from April 1997 IAEA's programme for collecting and sharing information on trafficking incidents known as the Database on Illicit Trafficking, and to accede to the Convention on the Physical Protection of Nuclear Material.

In conclusion, I would like to highlight my Government's commitment to general and complete disarmament by reiterating President Clerides' proposal for the demilitarization of the Republic of Cyprus, which we consider as our contribution to the efforts for conventional weapons disarmament. This proposal represents a genuine answer to the security concerns of all Cypriots. Moreover, its implementation will lead to stability in the sensitive region of Eastern Mediterranean.

In conclusion, I would like to bid farewell to our Indian colleague and tell her that we will miss her a lot.

The PRESIDENT: I thank the representative of Cyprus for his statement and for his kind words to me. That concludes my list of speakers for today. Does any other delegation wish to take the floor at this stage? If this is not the case, I shall now suspend this plenary meeting and convene an informal plenary meeting devoted to the consideration of the draft annual report.

The meeting was suspended at 10.45 a.m. and resumed at 12.10 p.m.

The PRESIDENT: I declare the 778th plenary meeting resumed. I should now like to formalize the provisional agreements reached at the informal plenary meeting on the draft annual report, as contained in document CD/WP.489/Rev.1, as amended. May I take it that section I, entitled "Introduction", can be adopted?

It was so decided.

The PRESIDENT: May I take it that section II, entitled "Organization of work of the Conference", covering pages 3-8, can be adopted?

It was so decided.

The PRESIDENT: May I take it that section III, entitled "Substantive work of the Conference during its 1997 session", covering pages 9-22, can be adopted, as amended, with the understanding that the document to be presented by the delegation of Mexico will be listed in the report? I would like to give the floor to the delegation of Mexico.

Mr. JOUBLANC (Mexico) (translated from Spanish): Mr. President, the delegation of Mexico wishes to state that in the opinion of the Mexican Government, the consultations by the Special Coordinator on anti-personnel landmines constitute a procedural matter and do not form part of the substantive work of the Conference on Disarmament.

The PRESIDENT: I thank the representative of Mexico. May I take it that section III, entitled "Substantive work of the Conference during its 1997 session", covering pages 9-22, can be adopted as amended? The distinguished representative of France is asking for the floor.

Mr. RIVASSEAU (France) (translated from French): A point of clarification: I understand that the formula you used - 'as amended" - means that the statement just read by the delegate of Mexico will be given a CD number and will appear on page 18 in the appropriate place in paragraph 48. That is the statement we are talking about.

The PRESIDENT: Thank you very much for your statement. That is the understanding, and the document will appear as new document "r" on page 18. The distinguished representative of Syria has the floor.

Mr. ORFI (Syrian Arab Republic): I did not intend to take the floor, but our understanding of the words "as amended" is the inclusion of the CD document that was presented by Mexico and the correction on page 12, paragraph 30, that was mentioned by the distinguished Ambassador of China, which would be "the objective of the complete elimination" - the inclusion of the word "elimination".

The PRESIDENT: Thank you. Yes, there were two amendments, one by China and the other by the delegation of Turkey. Those amendments will also be incorporated. I think the distinguished representative of the Russian Federation is asking for the floor.

Mr. BERDENNIKOV (Russian Federation) (translated from Russian): As I understand it, we intend to include in paragraph 48 a reference to the document which the delegation of Mexico intends to submit to us, rather than the entire document. If my understanding is correct, please confirm this Mr. President.

The PRESIDENT: What we have on page 18 is a listing of documents, so that new document "r" will be listed as CD/1475, including the date, on page 18, with the appropriate title. That is the arrangement.

May I take it that section III of the draft report is adopted?

It was so decided.

The PRESIDENT: May I now take it that the draft annual report in its entirety, as contained in document CD/WP.489/Rev.1, as amended, is adopted?

It was so decided.

The PRESIDENT: In connection with paragraph 54 of the report that was just adopted, I should like to reassure all delegations that the consultations to be held during the inter-sessional period by the current and incoming Presidents will of course be in accordance with the rules of procedure of the Conference. Does any delegation wish to take the floor at this stage? The distinguished representative of the United States has the floor.

Ms. CRITTENBERGER (United States of America): Let me begin by thanking you, Mr. President, for your tireless efforts to bring this body to consensus on our annual report to the United Nations General Assembly and for your willingness to undertake this challenging task, when the musical chairs brought Sri Lanka to the Chair two months ahead of schedule. We express our gratitude for your willingness to do that. On a personal note, I would also like to take this opportunity to welcome those colleagues who have joined us in recent weeks and offer them encouragement and indeed courage for the days ahead. I would also like to bid a fond farewell to those of our colleagues taking their leave, those of whose departure we are already aware, such as that of the distinguished representative of India and you, Mr. President, and those who may hope to slip quietly into the night.

I have asked for the floor today to offer a few reflections and comments on the CD year we are now bringing to a close. Unlike last year, it is not a year for which any of us should be proud. And, while not surprising, it is nonetheless disappointing that the differences between participants over priorities in 1997 prevented the CD from engaging collectively in any substantive work on any of the issues related to its agenda.

It is clear that the divisions within the CD reflect genuine foreign policy differences and priorities among the member States. These divisions and the CD's concomitant lack of progress this year, however, should not constitute a reflection on the Conference on Disarmament itself as an institution. As we have all witnessed or are aware of, the Conference is as productive as it is allowed to be - no more, no less.

Policy differences notwithstanding, there also seemed to be, at times, a fundamental lack of desire and will to achieve any substantive results. It is the hope of my Government that next year things will be different and that the CD will resume work and find one or more issues on which to begin substantive negotiations. For the United States, the obvious and feasible choices for negotiations are a convention on the prohibition of the production of fissile

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material for nuclear weapons or other nuclear explosive devices, in the nuclear arena, and steps towards a global ban on anti-personnel landmines in the conventional arena.

With or without the CD, the United States is moving forward on arms control issues and is hard at work in the field of nuclear arms control and disarmament. The recent agreement reached between the United States and the Russian Federation after several years of hard work on theatre missile defence issues is just the latest example of tangible progress. We continue to believe that the most expeditious way to ensure continued progress in nuclear disarmament, at least for the foreseeable future, is for the United States and the Russian Federation to continue bilateral negotiations. While there is a multilateral role on specific nuclear disarmament issues such as CTBT and FMCT, multilateral efforts to programme nuclear disarmament writ large would only serve to hinder the real progress already well under way.

In the heat of the moment unfortunate remarks are sometimes made that will remain for ever a part of our written record. These remarks will undoubtedly cause scholars and historians in future years to wonder where the CD priorities were in 1997. We heard one such unfortunate remark at last week's plenary when it was asserted that the five declared nuclear Powers want the CD to discuss only "small items" such as anti-personnel landmines and a fissile material cut-off treaty. The root of the CD's problems, we were told, was our trenchant refusal to acknowledge the "world will" to negotiate nuclear disarmament in the CD.

My delegation would not describe a ban on anti-personnel landmines as a "small item". As participants were also reminded in plenary last week by another speaker, 25,000 innocent men, women and children are killed or maimed each year by landmines. But we are told that APLs are a "small item" and that nuclear weapons have the potential - the potential - to kill. Is it the "world will" that we deal with our potential problems first and leave our immediate problems until later? Who could deny that nuclear weapons have the potential to kill? But who could also deny that the potential is less now than it was one year ago, and significantly less than it was in 1990? The declared nuclear Powers which bear the responsibility for nuclear weapons are working to reduce their destructive potential, and the record of the last 10 years clearly reflects indisputable and significant progress.

I believe that the dark curtains which shade this room also obscure our vision of what the "world will" truly is. The grim and terribly evocative memorial now standing in the Place des Nations, just outside our front gate, is not a metaphor for nuclear destruction. It is called the "Broken chair", and the shattered stump of one of its legs does not depict a potential problem, but a real and horrible tragedy. APLs may be considered a "small item" to some, but that massive memorial to splintered limbs and shattered lives in the Place des Nations is not a small item, and the floral bouquets so lovingly placed there at its base are not small expressions of the "world will" for the CD to take action, now, to end the nightmare of anti-personnel landmines. It is time for the CD to do its part in contributing to efforts already under way to eliminate this scourge. It is time for the CD also to respond to this call for action.

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The fissile material cut-off treaty was also referred to as a "small item". Although those who call for nuclear disarmament negotiations in the CD accept that FMCT is an integral component of nuclear disarmament, they refuse to negotiate a separate treaty to halt the production of fissile material which gives nuclear weapons their potential to kill. If delegations honestly want the CD to work on nuclear disarmament, they should jump at the chance to negotiate a treaty to prohibit the production of fissile material. This treaty would be a vital step, a multilateral step, in the path toward nuclear disarmament.

It is not surprising that the frustrations built up over a year of inactivity have resulted in a series of statements attempting, to use an American colloquialism, to remove the monkey from one's back and to shift the blame for the 1997 CD failure to others. At the end of the day, of course, we must all accept responsibility for the fact that 1997 is the first and only year in which we were unable to convene an ad hoc committee or undertake any collective substantive work.

What happened to us? In our view, the answer is quite simple. In any negotiating situation - be it labour relations, a real estate transaction, diplomacy, or even a marriage, so I am told - the parties must be committed to a continuing relationship and a reasonably acceptable outcome. This is the so-called "win-win" situation in which the parties achieve some, if not all, of their objectives. The parties must work to narrow their differences, to settle the issues that can be resolved, and to set aside the issues on which there can be no agreement. The ideal outcome is for the negotiators to leave the bargaining table reasonably satisfied that all have won something and that no one has lost or capitulated. The alternative is divorce, resulting from irreconcilable differences or, in CD parlance, linkage and a time-bound framework, a sure recipe for torpedoing any progress on substantive issues. By this "all or nothing approach" practised in the CD this year, concrete progress on specific and timely issues, issues ripe for multilateral negotiation, was held hostage to demands for an agreement to negotiate multilaterally nuclear disarmament in a time-bound framework.

I think that the negotiations of the past two days have shown that we are all capable of being flexible and of compromise. My delegation has certainly tried to show flexibility and a willingness, in principle, as well as throughout the year, to discuss topics that we do not particularly wish to discuss. Our flexibility was based on an individual appraisal of each topic. If we are to negotiate in 1998, the Conference on Disarmament will have to determine what it is realistically capable of negotiating, and not what individual members see as their only priority. Without flexibility and a significant change in attitude, our prospects for 1998 are no better than the year we have just concluded.

On 21 August, when you opened the 775th CD plenary, you expressed optimism that the 1998 Conference on Disarmament will get back to work. This is a view my delegation shares.

The PRESIDENT: I thank the representative of the United States for her statement. Does any other delegation wish to take the floor at this point in time? I give the floor to the distinguished representative of Pakistan.

Mr. AKRAM (Pakistan): I have not asked for the floor to respond to the distinguished representative of the United States, although I must say that there is much that could be said for the other point of view, the point of view of the developing countries and the members of the Group of 21. But I shall leave the record to speak for itself. I have asked for the floor merely to announce that the Group of 21 will meet tomorrow morning at 10 o'clock.

The PRESIDENT: Thank you. Distinguished delegates, after several weeks of intensive negotiations and consultations, we have been able to adopt the report of the Conference on Disarmament to the forthcoming General Assembly of the United Nations. I cannot say that these negotiations have been easy. Indeed, the negotiations reflected the difficult time the CD experienced during the entirety of its 1997 session. Having said that, I must quickly commend the goodwill, accommodation and, most importantly, the flexibility displayed by all delegations, recognizing the important role of the CD as the single multilateral negotiating mechanism on disarmament matters.

As I stated on 21 August, we should not consider the 1997 session of the Conference as a wasted year. After concluding negotiations on the CTBT, this institution could not have immediately moved on to negotiating another string of international instruments. Even the CD has to pause for a while, take stock of its situation and decide what it should do next. We can therefore consider 1997 as a year of reflection. Having completed this session, the Conference is now aware of its priorities and limitations. With that knowledge, I am certain that the Conference will be ready to face 1998 with renewed confidence.

In my capacity as President for the remaining period of 1997, I will, together with the incoming President, undertake consultations in keeping with paragraph 54 of the report, and also, of course, in keeping with the rules of procedure of the Conference. With the goodwill that was evident during our consultations, I am confident that together we will be able to pave the way for a productive year in 1998.

In conclusion, on behalf of the Conference, I wish to thank most sincerely Mr. Bensmail, the Deputy Secretary-General of the Conference, and the able members of the secretariat, without whose competent conference-servicing we would not have been able to conclude our work today. I would also wish to thank the interpreters who were called upon to work beyond their normal working hours to enable the Conference to conclude its work. Finally, I would like to thank all delegations for the understanding and cooperation they extended to me, which enabled us to conclude our work in 1997.

The next plenary meeting of the Conference will be held on Tuesday, 20 January 1998, at 10 a.m.

The meeting rose at 12.35 p.m.